

FORM PTO 1390 (REV 10-2003)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTORNEY'S DOCKET NUMBER 1254-0258PUS1 ✓
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371			U.S. APPLICATION NO. (If known, see 37 CFR 1.5) <b>10/507132</b> NEW
INTERNATIONAL APPLICATION NO. PCT/JP03/01980 ✓	INTERNATIONAL FILING DATE 24 February 2003 ✓	PRIORITY DATE CLAIMED 12 March 2002 ✓	
TITLE OF INVENTION GENE CODING FOR SCYTALONE DEHYDRATASE EXHIBITING RESISTANCE TO AGRICULTURAL FUNGICIDAL AGENT			
APPLICANT(S) FOR DO/EO/US Koichiro KAKU; Satoshi WATANABE; Kiyoshi KAWAI; Tsutomu SHIMIZU; Kozo NAGAYAMA			

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

- ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
- ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing 35 U.S.C. 371.
- ☒ This is an express request to begin national examination procedures (35 U.S.C. 371 (f)). The submission must include items (5), (6), (9) and (21) indicated below.
- ☒ The US has been elected (Article 31).
- ☒ A copy of the International Application as filed (35 U.S.C. 371 (c)(2)).
  - ☐ is attached hereto (required only if not communicated by the International Bureau).
  - ☒ has been communicated by the International Bureau.
  - ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
- ☒ An English language translation of the International Application as filed (35 U.S.C. 371 (c)(2)).
  - ☒ is attached hereto.
  - ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
- ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
  - ☐ are attached hereto (required only if not communicated by the International Bureau).
  - ☐ have been communicated by the International Bureau.
  - ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - ☒ have not been made and will not be made.
- ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371 (c)(3)).
- ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
- ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).

Items 11 to 20 below concern document(s) or information included:

- ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
- ☒ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
- ☒ A preliminary amendment.
- ☐ An Application Data Sheet under 37 CFR 1.76.
- ☐ A substitute specification.
- ☐ A power of attorney and/or change of address letter.
- ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.
- ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
- ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
- ☒ Other items or information: ✓ Petition to Accept Colored Drawings; ✓ PCT/IB/308; ✓ PCT/IB/304; ✓ PCT/IPEA/409; ✓ PCT/ISA/210; Drawings - Ten (10) Sheets; Sequence Listing - Eleven (11) Pages ✓

DT09 Rec'd PCT/PTO 10 SEP 2004

U.S. APPLICATION NO. (if known) <b>10/307132</b> INTERNATIONAL APPLICATION NO. PCT/JP03/01980	ATTORNEY'S DOCKET NUMBER 1254-0258PUS1																																																																																				
21. <input checked="" type="checkbox"/> The following fees are submitted: <b>BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) – (5)):</b> <input type="checkbox"/> Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO ..... \$1080.00 <input checked="" type="checkbox"/> International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO ..... \$920.00 <input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO ..... \$770.00 <input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) ..... \$730.00 <input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) ..... \$100.00  <b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b> Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492 (e)).																																																																																					
<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="width:20%;">CLAIMS</th> <th style="width:20%;">NUMBER FILED</th> <th style="width:20%;">NUMBER EXTRA</th> <th style="width:20%;">RATE</th> <th style="width:20%;"></th> <th style="width:20%;"></th> </tr> </thead> <tbody> <tr> <td>Total claims</td> <td>11-20 =</td> <td></td> <td>x</td> <td>\$</td> <td>0.00</td> </tr> <tr> <td>Independent claims</td> <td>4-3 =</td> <td>1</td> <td>x</td> <td>86.00</td> <td>\$ 86.00</td> </tr> <tr> <td colspan="4">MULTIPLE DEPENDENT CLAIM(s) (if applicable)</td> <td>+</td> <td>\$</td> </tr> <tr> <td colspan="4"><b>TOTAL OF ABOVE CALCULATIONS =</b></td> <td>\$</td> <td>1,006.00</td> </tr> <tr> <td colspan="4"><input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.</td> <td>\$</td> <td></td> </tr> <tr> <td colspan="4"><b>SUBTOTAL =</b></td> <td>\$</td> <td>1,006.00</td> </tr> <tr> <td colspan="4">Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492 (f)).</td> <td>\$</td> <td></td> </tr> <tr> <td colspan="4"><b>TOTAL NATIONAL FEE =</b></td> <td>\$</td> <td>1,006.00</td> </tr> <tr> <td colspan="4">Fee for recording the enclosed assignment (37 CFR 1.21 (h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property</td> <td>+</td> <td>\$ 40.00</td> </tr> <tr> <td colspan="4">Petition Fee for Colored Drawing</td> <td>\$</td> <td>130.00</td> </tr> <tr> <td colspan="4"><b>TOTAL FEES ENCLOSED =</b></td> <td>\$</td> <td>1,176.00</td> </tr> <tr> <td colspan="4"></td> <td><b>Amount to be refunded:</b></td> <td>\$</td> </tr> <tr> <td colspan="4"></td> <td><b>charged:</b></td> <td>\$</td> </tr> </tbody> </table>		CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE			Total claims	11-20 =		x	\$	0.00	Independent claims	4-3 =	1	x	86.00	\$ 86.00	MULTIPLE DEPENDENT CLAIM(s) (if applicable)				+	\$	<b>TOTAL OF ABOVE CALCULATIONS =</b>				\$	1,006.00	<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				\$		<b>SUBTOTAL =</b>				\$	1,006.00	Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492 (f)).				\$		<b>TOTAL NATIONAL FEE =</b>				\$	1,006.00	Fee for recording the enclosed assignment (37 CFR 1.21 (h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				+	\$ 40.00	Petition Fee for Colored Drawing				\$	130.00	<b>TOTAL FEES ENCLOSED =</b>				\$	1,176.00					<b>Amount to be refunded:</b>	\$					<b>charged:</b>	\$
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a. <input checked="" type="checkbox"/> A check in the amount of \$ 1,176.00 to cover the above fees is enclosed. b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed. c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 02-2448. A duplicate copy of this sheet is enclosed. d. <input type="checkbox"/> Fees are to be charged to a credit card. <b>WARNING:</b> Information on this form may become public. <b>Credit card information should not be included on this form.</b> Provide credit card information and authorization on PTO-2038.																																																																																					
NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137 (a) or (b)) must be filed and granted to restore the application to pending status.  SEND ALL CORRESPONDENCE TO: /clb  CUSTOMER NUMBER: 02292  September 10, 2004																																																																																					
SIGNATURE: <u>Gerald M. Murphy, Jr.</u> NAME: _____ 28,977																																																																																					

10/507132

DT09 Rec'd PCT/PTO 10 SEP 2004

REGISTRATION NUMBER

PATENT  
1254-0258PUS1

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Koichiro KAKU et al. Conf.:  
Appl. No.: New Group:  
Filed: September 10, 2004 Examiner:  
For: GENE CODING FOR SCYTALONE DEHYDRATASE  
EXHIBITING RESISTANCE TO AGRICULTURAL  
FUNGICIDAL AGENT

PETITION UNDER 37 C.F.R. § 1.84(a)(2)  
TO ACCEPT COLOR DRAWINGS AND/OR PHOTOGRAPHS

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

September 10, 2004

Sir:

Applicant hereby petitions that color drawings under 37 C.F.R. § 1.84(a)(2) be accepted in the above-identified application.

Color drawings are necessary as they are the only practical medium by which the subject matter of the present application can be disclosed.

1. Fee Payment (37 C.F.R. § 1.17(h)):

- ☒ A check in the amount of \$130.00 is enclosed.  
☐ Please charge Deposit Account No. 02-2448 in the amount of \$0.00. This form is submitted in triplicate.

2. Color Drawings

09/15/2004 SHAJARRO 00000143 10507132

04 FC:1460

130.00 OP

Three (3) sets of color drawings are provided, and are believed to be of sufficient quality that all details will be reproducible in black and white in the printed patent.

3. Amendment to the Specification

A Preliminary Amendment is being submitted concurrently herewith, providing reference to the color drawings in the first paragraph of the brief description of the drawings.

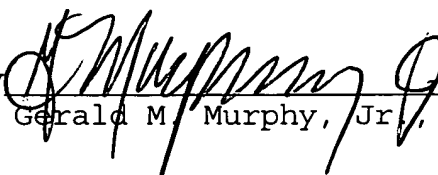
It is noted that black and white photocopies of any color drawing or photograph are no longer required under 37 C.F.R. § 1.84(a)(2)(iii) as of October 1, 2001.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By



Gerald M. Murphy, Jr., #28,977

P.O. Box 747

Falls Church, VA 22040-0747

(703) 205-8000

GMM/clb  
1254-0258PUS1

Attachment(s)

(Rev. 02/13/2004)